

LICENSEE

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ABC Teams Up with TIPS

Special Agent Clyde Santana from ABC's Chesapeake Regional Enforcement Office has been a certified TIPS (Training for Intervention ProcedureS) trainer for nearly three years. In this time, he has trained more than 1,000 people on how to responsibly sell and serve alcohol through this program.

TIPS is a national seller/server program based in Arlington, Virginia. Participants who complete the class with a satisfactory test score become TIPS certified. The onpremise class is designed to last five hours and is for servers at restaurants, hotels or any establishment where alcohol is consumed. The off-premise class lasts three hours and is for cashiers and clerks at grocery stores, convenience stores and specialty stores.

Santana has trained employees at restaurants, private clubs, shopping centers, golf courses, grocery stores, festival events and convenience stores throughout the Eastern Shore, Chesapeake, Portsmouth, Norfolk and Virginia Beach. "ABC's partnership with TIPS is a reassuring approach to educating sellers and servers on Virginia regulations," said Santana. "Having ABC train-

ers provides an advantage because they can communicate the facts directly to the participants, and bringing retailers, wholesalers and agents into one classroom is a great way to make positive things happen in the alcoholic beverage industry."

According to Santana, TIPS provides participants with an in-depth training experience focused on state codes and regulations using a common sense approach,

If an underage person has an alcoholic beverage, helshe got it from an adult. Training servers is the first line of defense in the critical program of avoiding consumption of alcoholic beverages by underage persons.

Vernon Danielsen, Chairman, Virginia ABC

applying the laws to everyday use in a non-threatening environment. "The participants feel they can speak freely and ask questions of ABC agents that they would not necessarily feel comfortable asking outside of the classroom environment." Recently, Santana conducted a TIPS training for Norfolk Festevents concessionaires who serve alcohol at large outdoor festivals in Norfolk. He also held a training program this summer for nearly 50 employees working at different licensed establishments at the Waterside Mall in Norfolk.

In addition, Santana and Senior Special Agent Joe Cannon, from ABC's Central Office, conducted TIPS trainings for employees of Farm Fresh Markets, a chain of grocery stores in the Tidewater area. The agents combined TIPS with other programs developed by ABC targeting servers and sellers.

"Training is something that you never take for granted," says Monica Martin, director of compliance for Farm Fresh. "The more you keep it in front of them, the more likely you are going to attain the highest standards of compliance." This philosophy pushed Farm Fresh to seek ways to enhance its training, and the first step was contacting Santana. "Having him train our associates was effective in getting the information from the agent's perspective. Several of the management associntinued on page 5

Holiday Celebrations

Once again the holiday season is fast approaching and equally timely, the issue of holiday package deals has surfaced. ABC continues with the following position on this issue:

There will be no limitation placed by the Board upon the number of drinks that can be included in the price of a package. However, it will be the responsibility of the licensee to place a reasonable limit upon the number of drinks included in the price. Additionally, there can be NO advertising of all you can drink, open bar, unlimited drinks, etc. and all other regulations regarding advertising, intoxication, happy hour, etc. must be adhered to by licensees conducting these events. It is the hope of ABC that this has established the standard for these events.



Special agents from ABC's Richmond-North Enforcement Office Dan Durrette (standing) and Thomas Kirby (seated far left) conducted a Responsible Sellers and Servers: Virginia's Program (RSVP) training class in August for employees from three local businesses. See the updated schedule of RSVP classes on Page 6.



Enforcement Update



S. Christopher Curtis, Director of ABC Bureau of Law Enforcement

As the holiday season approaches, the Bureau of Law Enforcement would like to pass on a friendly reminder that during this time of year, as festivities increase in onpremise establishments across the Commonwealth, to be vigilant in the way you operate your business. Company parties, holiday celebration packages and small groups of friends celebrating the season are often associated with the consumption of alcoholic beverages on your premises. We ask that you remember a few important things that could help you prevent costly ABC violations, and more importantly, save the lives of your patrons or friends.

First, it is your responsibility to make certain that your patrons are not served to the

point of intoxication. Second, it is imperative that your servers do not serve patrons who are already intoxicated. Intoxicated patrons in your establishment are considered drunk in public under Virginia law and can be arrested. Third, it is a violation of the ABC regulations to allow intoxicated patrons to loiter on your premises. The intent of this regulation is to address establishments that have become a place for habitual activities of intoxication on the premises. In other words, if intoxicated persons are routinely able to rendezvous on the premise or if an establishment does not take reasonable steps to address intoxicated individuals upon their discovery, a violation would likely be cited.

If a patron becomes intoxicated or arrives intoxicated on your premises, the following are some suggestions that should help you to responsibly handle the situation: (1) Encourage

your staff to be diligent about not serving intoxicated patrons – the sale is just not worth it. (2) Stop all service to a patron immediately if he or she appears intoxicated. (3) Make good faith efforts to get a sober ride home for intoxicated patrons, summon the police in instances of a disruptive patron or simply provide the patron a cup of coffee as a stalling technique to allow him or her time to sober up, etc. - do not serve any alcohol! (4) Document the situation as well as your efforts to address this type of patron. If necessary, advise your ABC agent of the situation as soon as possible after it occurs.

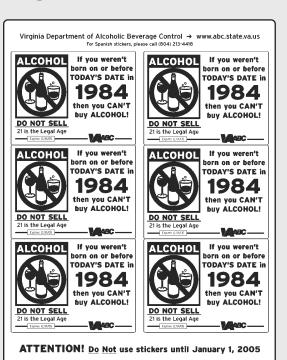
Please visit the agency Web site at www.abc.state.va.us for additional resources and suggestions for operating your business in a safe and responsible manner. ABC appreciates your help in keeping the streets safer, and we wish you a happy, safe holiday season.

Do Not Sell Stickers Coming Soon

The Do Not Sell stickers for 2005 will be mailed to all licensees in December for arrival by January 1, 2005. The stickers are easy to read tools that aid sellers when checking IDs. The quality of the paper has been improved to ensure the ink will not smear when damp; therefore, they can be cleaned without damage.

Similar to the 2004 stickers, this year's stickers were created using two different colors, one color for alcohol and one for tobacco. The bold colors were selected to ensure the dates are clearly visible to both consumers and sellers. To deter underage buyers, ABC suggests placing the stickers where both the seller and buyer can see them, possibly on the countertop or bar where purchases are made.

Although it is not mandatory, it is extremely important that these stickers are displayed in all licensed establishments. Additional stickers, or stickers in Spanish, are available upon request by calling ABC's Public Affairs Division at (804) 213-4413 or emailing the request to pubrel@abc.state.va.us. Please include the number of sheets needed, mailing address and which version - English, Spanish or both.



2004 General Assembly Alcohol-Related Legislation

by Curtis Coleburn, Chief Operating Officer

State Budget Increases Fees, License Taxes

Language included in the 2004
Appropriations Act increased most ABC
application fees, permit fees, and state
license taxes on alcoholic beverage licenses by 30 percent. For example, the application fee for most license applicants was increased from \$50 to \$65, with the fee for each required criminal history records search going from \$15 to \$20. The state tax on a retail off-premises wine and beer license, the most common annual license issued, rose to \$230 from \$175.

Local License Taxes

State law allows localities to collect local license taxes on holders of licenses issued by the Department of Alcoholic Beverage Control. Section 4.1-233 of the Code of Virginia prescribes the maximum amount of such taxes. Prior to July 1, there was no maximum local tax established for farm winery, beer shipper's, wine shipper's, or

wine and beer shipper's licenses. House Bill 1448 established the maximum local tax for the various categories of shipper's licenses at \$10 and for farm winery licenses at \$50. It also reduced the maximum local tax on winery licenses from \$1,000 to \$50.

Service of Soju by the Bottle

Soju is a Korean beverage, distilled from rice, other grains, or sweet potatoes. The traditional mode of service of the beverage in Korea is for friends to share a bottle, each member of the party pouring drinks for the others. The law in Virginia prior to July 1 prohibited the delivery of an original bottle of distilled spirits to a consumer by a mixed beverage licensee, except in connection with hotel room service. House Bill 805 created an exception to this law for soju. Once ABC regulations governing the practice have been promulgated, mixed beverage restaurants will be able to serve bottles of soju to con-

sumers in the traditional manner.

Annual Banquet and Mixed Beverage Banquet Licenses

A number of nonprofit organizations routinely hold events several times each year for their members and guests at which alcoholic beverages are served. Prior to July 1, unless such events were held at a licensed restaurant or through the use of a licensed caterer, the organization would be required to obtain a oneday license for each event. House Bill 1489 addresses this situation by creating "annual banquet" and "annual mixed beverage banquet" licenses. Such licenses may be issued only to "duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation" for banquets exclusively for members and their guests. They authorize the licensee to conduct no more than 12 banquets per calendar year in areas approved by the Board. continued on page 7

Finding Important ABC Laws & Regulations

ABC's Education Section continually distributes informational pieces through mail and training classes detailing the Commonwealth's laws and regulations pertaining to alcoholic beverages. For instance, the *Retail Licensee Guide* was distributed to licensees across the state. It outlines codes and how to prevent ABC violations. Special agents also provide training to employees of licensed establishments throughout the state to address industry questions.

However, there is an additional way to learn about the alcoholic beverage codes of Virginia. The ABC Web site links to the Virginia General Assembly Legislative Information System that includes the Code of Virginia's (COV) Title 4.1 - Alcoholic Beverages and Industrial Alcohol. Title 3 of the Virginia Administrative Code (VAC) contains the regulations of the ABC Board and can also be found on the agency Web site.

To find these codes log onto the ABC

Web site at www.abc.state.va.us and click on the upper right-hand corner tab called "Laws & Enforcement." Then, go to "Virginia Codes" in the blue directory of links on the left side of this page. From here, you can view the COV and the VAC. If you have trouble locating a specific code, please e-mail your question to enforcement@abc.state.va.us.

ABC Speakers Bureau

ABC special agents from all eight Regional Enforcement Offices deliver alcohol education presentations to concerned citizens, management and staff at licensed establishments, and to students at middle schools, high schools and colleges covering topics such as: (1) How to prevent underage consumption; (2) Effects and consequences of underage consumption; (3) How to prevent ABC violations at establishments; and (4) How to properly check IDs.

Please contact your local Enforcement Office or e-mail pubrel@abc.state.va.us to arrange for an agent to speak with your group. Contact information for Enforcement Offices is located at www.abc.state.va.us in the Laws & Enforcement section. Please make contact with your local agent at least two weeks prior to the speaking engagement. This is a great opportunity to get answers to your questions in person directly from the agents!



Licensee violations and penalties — August 2004 - October 2004

Compiled by Public Affairs

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Enforcement investigations and the ABC hearings process, the following businesses received a minimum sanction of a 10 to 30-day suspension and/or at least a \$1,000 fine from August 2004 to October 2004. These sanctions are reported to raise the awareness of ABC licensed businesses. The intent is to inform licensees of the potential penalties for violating Virginia's ABC Laws and Regulations.

It is the hope that making licensees

aware of these major violations will serve as a deterent. Most licensed establishments operate clean and safe businesses as encouraged by the Virginia ABC Board.

Licensee	Violation	Penalty
Apple Market 601/Roanoke	Sold to underage person	30 days suspended or \$3,000 fine and 10 days suspended
Awful Arthur's Oyster Bar/Richmond	Sold to underage person	\$2,000 fine or 25 days suspended
C & J Mini Mart/Lynchburg	Licensee not legitimate owner, employed convicted felon	Revoked
Chick's Beach Cafe, Inc./Virginia Beach	Sold to underage person; licensee purchased wine or beer except for cash paid & collected at the time of or prior to delivery	25 days suspended or \$1,000 fine and 7 days suspended
7 Eleven Store 2585 23496/Bealeton	Sold to underage person	Accepted \$5,000 fine in lieu of 30 days suspended
El Ranchero/Winchester	Officers, directors, managers or share- holders convicted of a felony; failed to keep complete & accurate records; failed to sub- mit complete & accurate annual review to Board	Revoked
Fredericks/Fredericksburg	Sold to underage person	Accepted \$2,000 fine in lieu of 25 days suspended
Goochland Town & Country/Goochland	Sold to underage person	30 days suspended or \$3,000 fine and 10 days suspended
Hudson Waterway Corp./Moneta	Sold to underage person	Accepted 25 days suspended
Hunan East Restaurant/Bailey Crossroads	Sold to underage person	Accepted fine of \$2,000 in lieu of 25 days suspended
Hunt Country Market/Charlottesville	Sold to underge person	25 days suspended or \$1,500 fine
Los Tres Garcia/Rustburg	Ceases to qualify as a restaurant; licensee is not operating a restaurant	Revoked
K 2 Mart/Portsmouth	Sold to underage person	25 days suspended or \$2,000 fine
Night Moves Bar & Grill/Norfolk	Failed to keep accurate & complete records; failed to have a designated manager; cannot provide financial responsibility; ceases to qualify as a restaurant; gross receipts from the sale of food & non-alcoholic beverages were less than 45% of the gross receipts from sale of mixed beverages & food	

Licensee violations and penalties (continued)

Licensee	Violation	Penalty
Seoul Garden Restaurant/Newport News	Licensee failed to keep license posted; licensee permitted person to be in charge and name was not posted; failed to keep complete and accurate records; failed to summit timely annual review to Board	Revoked
Virginia Motorsports Park/Petersburg	Sold to underage person	Accepted 25 days suspended
Zip Mart # 3108/Virginia Beach	Sold to underage person	50 days suspended or \$5,000 fine and 10 days suspended

ABC Teams Up with TIPS continued from page 1

ciates felt it was much-needed information to help drive home the points that they stress to their cashiers on a daily basis."

Santana has also conducted TIPS training sessions that are designed for college students. He recently taught a TIPS program for student officers and members of six Greek organizations at Old Dominion University. This version of TIPS offers practical intervention strategies that can help students combat alcohol abuse and give them the skills and confidence to act responsibly in situations where they face alcohol consumption and misuse. Students from all segments of campus life respond to this realistic approach and are enthusiastic supporters of the program.

According to Laura Fox, graduate assistant for Greek Life and Leadership, the students value the TIPS program because it is interesting and educational, and she says her office has received fre-

quent positive feedback regarding the program. "We have been fortunate to work with Clyde Santana who has unconditionally offered his services on a repeated basis to our Old Dominion community. It is evident that he cares about alcohol education and loves what he does."

Special Agent in Charge of the Chesapeake ABC Enforcement Office Leon Coleman supports Santana's commitment to TIPS. "I encourage the agents in our region to take an active role in providing quality seller/sever training to any ABC licensed establishment that requests this training. This cooperative initiative among the industry, retailers, and ABC Enforcement is just one more example of our agency's commitment to encouraging voluntary cooperation through education."

Santana and the 126 other ABC special agents also conduct other training classes that compliment TIPS throughout the

state. All agents serve as trainers for the agency's newest training: Responsible Sellers and Servers: Virginia's Program (see page 6). This program is geared for sellers and servers of alcohol and is not designed nor intended to replace any of the TIPS curriculums or other similar seller/server programs.

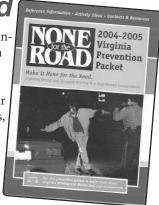
The agents' involvement with TIPS and RSVP is in addition to the hours they spend conducting other ABC training courses and managing daily duties as agents, which range from investigating license applicants, to enforcing criminal and ABC laws in hundreds of local licensed establishments, to investigating criminal activities separate from the licensee community such as narcotic use and illegal gambling. ABC agents are vested with statewide authority of arrest for ABC violations as well as Virginia criminal law violations.

Licensees Can Make It None for the Road

Virginia's on- and off-premise licensees can play their part to promote *None for the Road* during the winter holidays and throughout the year. *None for the Road* is a statewide campaign coordinated by Virginia ABC and the Virginia Association of Chiefs of Police and funded by the Virginia Department of Motor Vehicles that discourages drinking and driving.

Licensees can order the *None for the Road* prevention packet to help plan programs throughout the year with public safety agencies, community groups and other businesses. There are a limited number of pins, stickers and other promotional items available at no charge, but quantities are limited. To learn more about the campaign and to order items on-line, visit the ABC Web site at

www.abc.state.va.us or call 804-213-4688.



Second Round of RSVP Classes Begins

Virginia ABC announces its second round of Responsible Sellers and Servers: Virginia's Program (RSVP) training classes. RSVP is designed to help Virginia's sellers and servers better understand and comply with ABC laws, rules and regulations. The winter schedule kicked off in November with scheduled trainings stretching to February.

RSVP will be held at ABC regional offices and other meeting facilities throughout Virginia. The class is for cashiers, clerks, bartenders, wait staff and other front line personnel. ABC special agents will conduct the trainings, so this is an excellent opportunity to ask questions. There is no charge and participants are encouraged to register two-weeks in advance. See the schedule below.

RSVP was developed specifically for Virginia's sellers and servers and is not designed nor intended to replace the TIPS (Training for Intervention ProcedureS) curriculums offered through Health Communications, Inc. or other similar seller/server programs.

RSVP participants will learn about the laws and administrative regulations that govern alcohol sales and consumption in Virginia. They will learn how to prevent sales to minors and intoxicated customers, how to spot fake identifications, how to document alcohol-related incidents and much more. Please see registration form on page 7.

2004-05 Winter Schedule

December

Dec. 1, Roanoke, Forensic Science Western Lab, 6600 Northside High School Rd. 10 a.m. - 2 p.m.

Dec. 10, Danville Community College, Oliver Hall Auditorium, 1-4 p.m.

Dec. 15, Harrisonburg, James Madison University, CFW Room, 9 a.m. - 12 p.m.

Dec. 15, Franklin, Paul D. Camp Community College, Workforce Development Center, 100 North College Dr., 9:30 a.m. - 12:30 p.m.

Dec. 15, Alexandria Regional ABC Office, 501 Montgomery St., (two sessions) 9 a.m.- 12 p.m. & 1-4 p.m.

Dec. 15, Richmond, Brown Distributing, 2921 Byrdhill Rd., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

Dec. 20, Chesapeake Regional ABC Office, 1103 South Military Hwy., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

<u>January</u>

Jan. 13, Warrenton Police Dept., 333 Carriage House Ln., (two sessions), 9 a.m. - 12 p.m. & 1-4 p.m.

Jan. 18, Chesapeake Regional ABC Office, 1103 South Military Hwy., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

Jan. 19, Williamsburg, Ramada Inn 776, 725 Bypass Rd. 9:30 a.m. - 12:30 p.m.

Jan. 19, Abington, Southwest Virginia Higher Education Center, One Partnership Circle, 10 a.m. - 1 p.m.

Jan. 19, Farmville, South Street Conference Bldg., 124 South St., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

Jan. 19, Richmond, Brown Distributing, 2921 Byrdhill Rd., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

There will not be a January class in the Alexandria region. They are moving their offices to 6308 Grovedale Dr. in Fairfax County.

February

Feb. 15, Charlottesville, Virginia Dept. of Forestry, Fountaine Research Park, 900 Natural Resources Dr., Suite 800, First Floor, 9 a.m. - 12 p.m.

Feb. 15, Eastern Shore of Virginia, Melfa, Chamber of Commerce, 19056 Parkway Dr.,1-4 p.m.

Feb. 16, Suffolk, Holiday Inn, 2864 Pruden Blvd., Rt 58 Bypass & Route 460, 9:30 a.m. - 12:30 p.m.

Feb. 16, Richmond, Brown Distributing, 2921 Byrdhill Rd., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

Feb. 16, Roanoke, Forensic Science Western Lab, 6600 Northside High School Rd. (off Peters Creek Rd.), 10 a.m. - 2 p.m. **Feb. 23, Alexandria** Regional ABC Office (located in Fairfax County), 6308 Grovedale Dr., (two sessions) 9 a.m. - 12 p.m. & 1-4 p.m.

Feb. 25, South Hill Police Dept., 103 South Brunswick Ave., 9 a.m. - 12 p.m.



Training designed for sellers and servers in Virginia's ABC licensed establishments

Sponsored by the Virginia Department of Alcoholic Beverage Control

General Assembly continued from page 3

Sunday Sales

Since the creation of the Department of Alcoholic Beverage Control in 1934, state law has prohibited the operation of government stores on Sunday. House Bill 1314 has brought Sunday package liquor sales to Virginia stores in Tidewater and Northern Virginia for the first time. Since the law went into effect July 1, stores chosen by the ABC Board in Northern Virginia, Norfolk, and Virginia Beach have been open on Sundays after 1 p.m.

Virginia Wine Board

In 1985, the General Assembly created the Virginia Winegrowers Advisory Board within the Department of Agriculture and Consumer Services, for the purpose of advising the Commissioner of Agriculture and Consumer Services on how funds should be allocated for various research, promotion, marketing, and educational efforts on behalf of the Virginia wine industry. This year, identical Senate Bill 310 and House Bill 1230 replaced the advisory body with a new Virginia Wine Board. Rather than serve in an advisory capacity, the new board will directly receive and disburse funds from the Virginia Wine Promotional Fund for research, marketing,

and promotional activities in support of Virginia wine production. The Virginia Wine Board will consist of 10 members, nine grape growers or vintners appointed by the Governor and the Commissioner of Agriculture and Consumer Services as a non-voting ex officio member.

Interstate Wine Shipments to Wineries

Prior to July 1, Virginia wineries could lawfully receive shipments of wine only from other wineries under common ownership. Farm wineries could only ship wine to another farm winery for bottling purposes, with the bottled product returned to the producer. Neither type of licensee was allowed to purchase wine from another unrelated producer for blending or other manufacturing purposes. House Bill 1316 now allows farm winery or winery licensees to receive wine from other wineries or farm wineries located inside or outside the Commonwealth. The provision dealing with shipping wine to another licensee for bottling purposes was also extended to winery licensees.

Registration Form

Register On-Line!

Register on-line at www.abc.state.va.us and you will receive an automatic e-mail confirming your spot in the class along with directions and parking instructions. If you do not have access to the Internet, please mail this form to Virginia Department of Alcoholic Beverage Control, RSVP/Education Section, P.O. Box 27491, Richmond, VA 23261-7491.

Name		
Business		
Address		
City		Zip
Phone	Fax	
RSVP Training Location		
RSVP Training Date and Time		
Space is limited!		

It is recommended that each business register no more than five people. We realize that the scheduled classes will fill up quickly and some businesses will want to send more than five staff members to one class. If you are interested in training a large number of staff, contact your agent, regional ABC office or send an e-mail to education@abc.state.va.us. Additional classes may open based on demand and agent availability. Check the ABC Web site at www.abc.state.va.us for updates or call 804-213-4688.



Ask ABC: Questions from the Field

"Ask ABC" is intended to provide answers to common and not-so-common questions that affect ABC retail licensees and their employees. This serves as an easy-to-use supplement to all of the education materials already offered through ABC, but is not a legal document and does not supercede the Code of Virginia, Virginia Administrative Code or any other statute.

Have a retail license question for ABC?

To submit a question to Ask ABC, please e-mail your question to:

mwmillr@abc.state.va.us

Q: If I sell a small portion of my establishment to a relative, do I have to obtain a new ABC license?

A: Yes. Any change in the status of non-corporate ownership, such as the sale of the business or taking on a new partner, automatically terminates the current license and a new application must be filed. If a corporation holds a license and any changes in the officers, directors, or shareholders owning 10 percent or more of the stock occurs, the ABC Board must be notified within 30 days. However, publicly owned corporations whose stock is traded on an exchange do not have to report stock transfers (3 VAC 5-70-90.G).

Q: Can I post a sign in the patio area of my establishment that advertises our happy hour specials?

A: No. No retail licensee shall engage in any of the following practices: Advertising happy hour in the media or on the exterior of the licensed premises; Conducting a happy hour between 9 p.m. of each day and 2 a.m. of the following day; Allowing a person to possess more than two drinks at any one time during a happy hour; Increasing the volume of alcoholic beverages contained in a drink without increasing proportionately the customary or established retail price charged for such drink; Selling two or more drinks for one price, such as "two for one" or "three for one"; Selling pitchers of mixed beverages; Giving away drinks; or Selling an unlimited number of drinks for one price, such as "all you can drink for \$5.00" (3VAC5-50-160).





Governor Mark R. Warner

Governor Mark Warner is dedicated to seeing Virginia lead the nation in the new century and in the new economy. Governor: Mark R. Warner Secretary of Public Safety: John W. Marshall

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